

STATE OF INDIANA )  
 ) SS:  
COUNTY OF SULLIVAN )

IN THE SULLIVAN CIRCUIT COURT  
2009 TERM  
CAUSE NO. 77C01-0907-MI-00232

OSCAR GUILLEN, SR., )  
Plaintiff )  
 )  
VS. )  
 )  
STEFANIE SARK )  
Defendant )

**FILED**  
IN CIRCUIT COURT

JUL 10 2009

*Shelly Ann Smith*  
Clerk, Sullivan Circuit Court

**ORDER**

Pursuant to I.C. 34-58-1-1, this Court has examined Plaintiff's Complaint and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and may not state a claim upon which relief may be granted for the following reasons:

1. Plaintiff has failed to provide proof to the Court that he has exhausted his administrative remedies before filing this cause of action. Plaintiff must have complied with the grievance process as a prerequisite to filing a lawsuit for claims of constitutional violations.
2. Further, the Court finds Plaintiff has failed to allege facts sufficient to prosecute this action against the Defendant named in his CIVIL RIGHT'S COMPLAINT pursuant to I.C. 34-13-3-5(c) nor has Plaintiff failed to establish liability given the qualified immunity that may protect the named Defendant.
3. Plaintiff has failed to provide the Court with adequate copies of his Complaint for service.
4. Plaintiff has failed to allege facts sufficient for the Court to determine whether the statute of limitations applies to his CIVIL RIGHT'S COMPLAINT.


Based on the foregoing, the Plaintiff's CIVIL RIGHT'S COMPLAINT is dismissed with prejudice.

**SO RECOMMENDED** this 10<sup>th</sup> day of July, 2009.

  
ANN SMITH MISCHLER, Magistrate  
Sullivan Circuit Court



**SO ORDERED** this 10<sup>th</sup> day of July, 2009.

  
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**P. J. PIERSON**, Judge  
Sullivan Circuit Court

Distribution:  
Oscar Guillen, Sr.  
DOC #950987  
P.O. Box 1111  
Carlisle, Indiana 47838

Indiana Department Of Corrections  
Attn: Edwin G. Buss  
E334 Government Center S  
302 W. Washington Street  
Indianapolis, Indiana 46204-2760

Patricia Orloff Erdmann  
Section Chief, Civil Rights and Employment Litigation OAG,  
IGCS - 5th Floor  
302 West Washington Street  
Indianapolis, IN 46204